

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENNIS POINTER,	:	
	:	CIVIL CASE NO. C-1-02-486
Plaintiff	:	
	:	JUDGE BECKWITH
v.	:	
	:	MAGISTRATE JUDGE SHERMAN
SGT. LYON <i>et al.</i> ,	:	
	:	
Defendants	:	

**DEFENDANT LYON'S RESPONSES IN OPPOSITION TO PLAINTIFF'S
MOTION FOR RELIEF FROM JUDGMENT, PURSUANT TO FED.R.CIV.P. 60
AND PLAINTIFF'S MOTION FOR RECONSIDERATION**

NOW COMES Defendant Lyons, by and through counsel, and opposes Plaintiff's "Motion for Relief from an Order or Judgment, pursuant to Fed.R.Civ.P. 60(b)(2) and (3)" (doc. 73) and Plaintiff's "Motion for Reconsideration" (doc. 74). Defendant submits that Plaintiff fails to show that good cause exists to grant his Motions. Under Rule 60(b) a party may be relieved from a final judgment because of (1) mistake, inadvertence, surprise, excusable neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief from judgment. *See U.S. v. Demjanjuk*, 103 F.R.D. 1 (N.D. Ohio 1983). Here, Plaintiff's Motions fail to state a reason provided under Fed.R.Civ.P. 60(b) that entitles him to relief from the Court's Judgment Entry and Order dismissing this action on August 29, 2003.

CONCLUSION

Therefore, Defendant respectfully requests that this Court issue an Order denying Plaintiff's Plaintiff's "Motion for Relief from an Order or Judgment, pursuant to Fed.R.Civ.P. 60(b)(2) and (3)" (doc. 73) and Plaintiff's "Motion for Reconsideration" (doc. 74).

Respectfully submitted,

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Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2003, a copy of foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I also certify that a copy of the foregoing has been forwarded to Plaintiff Dennis Pointer, #280-895 at the Southern Ohio Correctional Facility, P.O. Box 45699, Lucasville, Ohio 45699, via regular United States Mail, postage prepaid, this same day.

S/ Philip A. King
PHILIP A. KING
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